



புதுச்சேரி மாநில அரசிதழ்

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SOMMAIRES

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**GOVERNMENT OF PUDUCHERRY
LABOUR DEPARTMENT**

(G.O. Rt. No. 77/AIL/Lab./T/2021,
Puducherry, dated 13th November 2021)

NOTIFICATION

Whereas, an Award in I.D (L) No. 02/2019, dated 23-09-2021 of the Industrial Tribunal-cum-Labour Court, Puducherry, in respect of the industrial dispute between the management of M/s. Dexin Medi Solution Pvt Ltd., Madagadipet Post, Puducherry and Tmt. S. Sumathy, Kalitheerthalkuppam, Puducherry, over non-employment has been received;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947), read with the notification issued in Labour Department's G.O. Ms. No. 20/91/Lab./L, dated 23-05-1991, it is hereby directed by the Secretary to Government (Labour) that the said Award shall be published in the Official Gazette, Puducherry.

(By order)

D. MOHAN KUMAR,

Under Secretary to Government (Labour).

**BEFORE THE INDUSTRIAL TRIBUNAL -CUM-
LABOUR COURT AT PUDUCHERRY**

Present : Thiru R. BHARANIDHARAN, M.L.
Presiding Officer.

Thursday, the 23rd day of September 2021.

I.D. (L) No. 02/2019

in

CNR. No. PYPY060000022019

S. Sumathy,
No. 64, Thirumurugan Nagar,
Kalietherthalkuppam,
Mannadipet Commune,
Puducherry.

. . Petitioner

Versus

The Managing Director,
M/s. Dexin Medi Solution Pvt. Ltd.,
Kalietherthalkuppam,
Madagadipet Post,
Puducherry.

. . Respondent

This Industrial Dispute coming on 02-09-2021 before me for final hearing in the presence of Thiruvallargal R.T. Shankar, P. Suresh and B. Balamurugan, Counsels

for the petitioner, the respondent being absent and set *ex parte*, upon hearing the petitioner and perusing the case records, this Court delivered the following:

AWARD

This Industrial Dispute arises out of the reference made by the Government of Puducherry *vide* G.O. Rt. No. 06/AIL/Lab./T/2019, dated 07-01-2019 of the Labour Department, Puducherry, to resolve the following dispute between the petitioners and the respondent *viz.*

(a) Whether the dispute raised by the petitioner Tmt. S. Sumathy, Kalietherthalkuppam, Puducherry, against the management of M/s. Dexin Medi Solutions Private Limited, Madagadipet (Post) Puducherry, over non-employment is justified or not?

(b) If justified, what relief the petitioner is entitled to? To compute the relief, if any awarded in terms of mone if, it can be so computed?

2. Brief facts of the case of the petitioner as follows:

The petitioner was working in the respondent company for the past 6 years she has joined as a member in the newly formed Trade Union. The management compelled the petitioner to relinquish her relationship with the Union. Since, the petitioner has not quit from the Union, the management refused to give her employment with effect from 18-04-2016 by issuing a notice without calling for any explanation from the petitioner. The respondent management not permitted her to enter into the company even the respondent has not cited any misconduct as against the petitioner. The petitioner has approached for conciliation proceedings, but, the respondent management has not appeared for the conciliation proceedings, but, has issued counter statement stating that the Commission of Labour has no statutory backing and has no jurisdiction to issue show cause notice to the respondent. No amicable settlement was arrived at the conciliation and therefore, the Conciliation Officer has submitted a failure report to the Government of Puducherry on 25-10-2018. The respondent management has utilized the petitioner for a long time and exploited the tender age and has not considered the welfare of the employees enumerated under various labour laws. The petitioner has not employed in any establishment and she is facing untold hardship without any employment and earnings. The petitioner prays to reinstate the petitioner with full back wage and continuity of service.

3. *Points for consideration:*

Whether the petitioner is entitled for reinstatement in the respondent company with full back wages, continuity of service and all other attendant benefits.

4. The respondent has received notice issued by this Court and Thiru M. Vaikunth, Advocate has undertaken to file vakalat. Several adjournments were given for filing counter on the respondent side. The respondent was set *ex parte* on 13-12-2019.

5. On the petitioner side the petitioner was examined as PW.1 and through her Ex.P1 to P4 were marked. In the evidence of PW.1 she has deposed that the Conciliation proceedings before the Labour Officer was ended in failure. Hence, the matter was referred for adjudication before this Court. Since, the petitioner has joined Trade Union started in the company she was threatened by the management to quit from the Trade Union. The petitioner was denied employment without any reason and without calling for any explanation from the petitioner. The respondent has not considered the welfare of the workman and has illegally terminated her without affording any opportunity to substantiate her stand.

6. This Court has carefully considered the EX.P1 to P4 filed on the petitioner side. The respondent company have received the notice, but, failed to appear before this Court. Ex.P4 categorically established that employees provident fund were deducting from the salary of the petitioner. This Court has also carefully considered the Ex.P3 which the termination letter, dated 18-04-2016 issued by M/s. Dexin Medi Solution Pvt. Ltd., to the petitioner alleging various allegations as against the petitioner has terminated from her service immediately. It is further stated in the Ex.P3 that the petitioner has to contact our HR Accounts Department for full and final settlement. Ex.P2 is the representation made to the Labour Officer, Puducherry, wherein, she has stated that she was removed from service without any enquiry. It is further stated that the respondent management has threatened her to quit from Trade Union. The petitioner was appeared before the Conciliation Officer and the management has filed a reply statement before the Conciliation Officer, dated 01-09-2016. The management has mentioned several issues against the petitioner including stealing of the letter pad from the office cupboard and misused the same. The enquiry before the Conciliation Officer was conducted for several dates and the negotiations has not reached an amicable settlement therefore, the present litigation is referred by the Government of Puducherry, for adjudication by this Court.

7. This Court has carefully considered the submissions made by the learned Counsel for the petitioner, the chief affidavit of PW.1 and Ex.P1 to Ex.P4. There is no doubt that the petitioner was an employee of the respondent management and worked there for about 6 years. The reason stating by the management for termination of the services of the petitioner is she is associated with newly formed Trade Union since the petitioner refused to quit from the Trade Union, despite the specific directions of the respondent she was terminated from her service without giving her a fair opportunity. This Court is of the considered opinion that the respondent has not properly followed the established principles of law and principles of natural justice. This Court is of the considered opinion that the termination of the petitioner is not in accordance with established principles of law. The petitioner is certainly needs to be reinstated with all back benefits.

8. In the result, the petition is allowed. The respondent management is directed to reinstate the petitioner with all back wage and all attendant benefits within a period of 8 weeks from the date of this order. No costs.

Dictated to Stenographer transcribed by him, corrected and pronounced by me in the open Court on this the 23rd day of September, 2021.

R. BHARANIDHARAN,
Presiding Officer,
Industrial Tribunal-cum-
Labour Court, Puducherry.

List of petitioner's witness:

PW.1 — 23-08-2021 Sumathy

List of petitioner's exhibits:

Ex.P1 — 25-10-2018 Xerox copy of the Conciliation Failure report.

Ex.P2 — 20-06-2016 Xerox copy of the letter issued by the petitioner to the Labour Officer.

Ex.P3 — 18-04-2016 Xerox copy of the Termination letter issued by the Management,

Ex.P4 — Xerox copy of the EPF Pass book by the petitioner.

List of respondent's witnesses: Nil

List of respondent's exhibits: Nil

R. BHARANIDHARAN,
Presiding Officer,
Industrial Tribunal-cum-
Labour Court, Puducherry.

**GOVERNMENT OF PUDUCHERRY
LABOUR DEPARTMENT**

(G.O. Rt. No. 78/AIL/Lab./T/2021,
Puducherry, dated 13th November 2021)

NOTIFICATION

Whereas, an Award in I.D (L) No. 28/2020, dated 14-09-2021 of the Industrial Tribunal-cum-Labour Court, Puducherry in respect of the industrial dispute between the management of M/s. Fine Automotive and Industrial Radiators Pvt. Ltd, Sedarapet, Puducherry and Thiru R. Patchamuthu, Villupuram District, over non-employment has been received;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947), read with the notification issued in Labour Department's G.O. Ms. No. 20/91/Lab./L, dated 23-05-1991, it is hereby directed by the Secretary to Government (Labour) that the said Award shall be published in the Official Gazette, Puducherry.

(By order)

D. MOHAN KUMAR,

Under Secretary to Government (Labour).

**BEFORE THE INDUSTRIAL TRIBUNAL -CUM-
LABOUR COURT AT PUDUCHERRY**

Present : Thiru R. BHARANIDHARAN, M.L.
Presiding Officer.

Tuesday, the 14th day of September 2021.

I.D. (L) No. 28/2020

in

C.N.R. No. PYPY060000672020

Patchamuthu,
S/o. Rajagopal,
Mariamman Koil Street,
Ottai Village, Vanur Taluk,
Villupuram District. . . Petitioner

Versus

The Managing Director,
M/s. The Fine Automotive and
Industrial Radiators Pvt. Ltd.,
No. 67, PIPDIC Road,
7th Cross, Sedarapet,
Puducherry. . . Respondent

This Industrial Dispute coming on this day before me for hearing, in the presence of Thiruvalargal K. Babu and S. Karthikeyan, Counsels for the respondent, on

record. the petitioner remained absent, no representations have been made on his behalf, upon perusing the records, this Court passed the following:

AWARD

This Industrial Dispute arises out of the reference made by the Government of Puducherry vide G.O. Rt. No. 123/AIL/Lab./T/2020, dated 12-11-2020 of the Labour Department, Puducherry to resolve the following dispute between the petitioner and the respondent, viz.,-

(i) Whether the dispute raised by petitioner Thiru Patcharmuthu, Villupuram District, against the management of M/s. Fine Automotive and Industrial Radiators Pvt. Ltd., Sedarapet, Puducherry, over non-employment is justified or not? If justified, what relief the petitioner is entitled to?

(ii) To compute the relief, if any, awarded in terms of money if, it can be so computed?

2. Today, when the case came up for hearing, memo filed by the Counsel for the petitioner. Notice given to respondent. Memo recorded. In view of the circumstances stated in the memo, I.D (L) No. 28/2020 is closed in the interest of justice.

Written and pronounced by me in the open Court on this the 14th day of September, 2021.

R. BHARANIDHARAN,
Presiding Officer,
Industrial Tribunal-cum-
Labour Court, Puducherry.

**GOVERNMENT OF PUDUCHERRY
LAW DEPARTMENT**

(G.O.Ms. No. 43/2021-LD.,
Puducherry, dated 16th November 2021)

NOTIFICATION

In exercise of the powers conferred by section 6 of the Legal Services Authorities Act, 1987 (Central Act 39 of 1987), read with rule 4 of the Union territory of Puducherry Legal Services Authority Rules, 1998 and on the recommendation of the Hon'ble High Court of Judicature at Madras, the Lieutenant-Governor, Puducherry, is pleased to nominate Hon'ble Mr. Justice T. Raja, Judge of the High Court of Judicature at Madras as the Executive Chairman of the Union territory of Puducherry Legal Services Authority, Puducherry, with effect from the 28th day of October, 2021 vice Hon'ble Mr. Justice T.S. Sivagnanam.

(By order of the Lieutenant-Governor)

N. MURUGAVEL,
Under Secretary to Government (Law).